

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEE HUNT, *as Personal Representative of
Estate of James Butler*, and PEARL YEAST,

Plaintiffs,

v.

Civ. No. 17-682 MV/SCY

TRI-STATE CARE FLIGHT, LLC, and
VALERIE CAVIGNEAUX, *as Personal Representative
of Estate of David Cavigneaux*,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION AND
DENYING PLAINTIFFS' MOTION TO REMAND**

THIS MATTER is before the Court on Plaintiffs' Motion to Remand (Doc. 22). The Court referred this motion to United States Magistrate Judge Steven C. Yarbrough for entry of proposed findings and a recommended disposition. Doc. 43.


On December 4, 2018, Judge Yarbrough entered his Proposed Findings and Recommended Disposition (PFRD) in which he recommends denying Plaintiffs' motion to remand. Doc. 45. Judge Yarbrough notified the parties that they had 14 days from the service of the PFRD to file any objections to the PFRD. *Id.* at 12. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. the Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 45);
2. Plaintiff's Motion to Remand and Brief in Support (Doc. 22) is DENIED; and

3. Defendant Estate of David Cavigneaux is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE